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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

UNITED STATES OF AMERICA,	)	No. CR 09-00775 SBA
	)	
Plaintiff,	)	STIPULATION AND ORDER
	)	CONTINUING STATUS CONFERENCE
v.	)	AND EXCLUDING TIME
	)	
JUAN OCTAVIANO LOPEZ,	)	
aka Juan Octavio Lopez Ortiz,	)	
aka Juan Lopez Gomez,	)	
aka Manuel Vargas, and	)	
GLENDY GOMEZ,	)	
aka Glendy Elizabeth Gomez,	)	
	)	
Defendants.	)	

Plaintiff, by and through its attorney of record, and defendants, by and through their counsel of record, hereby stipulate and ask the Court to find as follows:

1. A status conference in this matter is currently scheduled for 9 a.m. on Tuesday, October 27, 2009.

2. The parties request that this hearing be continued until 9 a.m. on Tuesday, December 1, 2009, in order to provide defendants' counsel with additional time to evaluate the evidence in this case and determine whether or not defendant should enter a change of plea or

STIPULATION AND ORDER RESCHEDULING  
HEARING; EXCLUDING TIME

1 file motions and to prepare for trial in this matter.

2 3. Specifically, defendants' counsel needs the continuance in order to review  
 3 discovery with defendants, investigate the case, and develop a motions and/or trial strategy in  
 4 light of the discovery. The parties believe that failure to grant the above-requested continuance  
 5 would deny defendants' counsel and defendant the reasonable time necessary for effective  
 6 preparation taking into account the exercise of due diligence and that the ends of justice served  
 7 by continuing the case as requested outweigh the interest of the public and defendant in a trial  
 8 within the date prescribed by the Speedy Trial Act.

9 4. Thus, the parties respectfully request that the Court find that the time period from  
 10 October 27, 2009, to December 1, 2009, is excludable pursuant to 18 U.S.C. §§ 3161(h)(7)(A),  
 11 (B)(iv) because it results from a continuance granted by the Court at the defendant's request and  
 12 on the basis of the Court's finding that the ends of justice served by taking such action outweigh  
 13 the best interest of the public and the defendant in a speedy trial and because failure to grant the  
 14 continuance would unreasonably deny defense counsel the time necessary for effective  
 15 preparation for trial, taking into account due diligence.

16 IT IS SO STIPULATED.

17 JOSEPH P. RUSSONIELLO  
 18 United States Attorney

19 Dated: October 23, 2009

20 /s/  
 21 GARTH HIRE  
 22 Assistant United States Attorney  
 23 Attorney for United States of America

24 Dated: October 23, 2009

25 /s/  
 26 GILBERT EISENBERG  
 27 Attorney for Defendant  
 28 Juan Octaviano Lopez

Dated: October 23, 2009

/s/  
 RANDALL KNOX  
 Attorney for Defendant  
 Glendy Gomez

**ORDER**

FOR GOOD CAUSE SHOWN, IT IS SO FOUND AND ORDERED THAT:

1. The currently scheduled October 27, 2009, status conference hearing is vacated.  
A status conference hearing is now scheduled for 9:00 a.m. on December 1, 2009.

2. The time period from October 27, 2009, to December 1, 2009, is deemed excludable pursuant to 18 U.S.C. §§ 3161(h)(7)(A), (B)(iv) because it results from a continuance granted by the Court at the defendants' request and on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendants in a speedy trial and because failure to grant the continuance would unreasonably deny defense counsel the time necessary for effective preparation for trial, taking into account due diligence.

DATED: 10/26/09

  
HONORABLE SAUNDRA BROWN ARMSTRONG  
UNITED STATES DISTRICT JUDGE